

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

LEARDIS GRIFFIN

PLAINTIFF

VERSUS

CAUSE NO.: 4:19CV193-JMV

**ANDREW SAUL,
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

ORDER ON PETITION FOR ATTORNEY FEES

Before the Court are Plaintiff's motion [21] and amended motion [24] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and Defendant's responses [23 and 25]. For the reasons set out below, Plaintiff's amended motion will be granted.

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying claims for benefits. By a judgment [20] dated December 7, 2020, this Court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks an award of \$5,069.69 in attorney fees along with \$20.85 for service of process expenses on the grounds that Plaintiff was the prevailing party and the Commissioner's position was not "substantially justified." Plaintiff further seeks \$400.00 in reimbursable costs. The Commissioner does not object and agrees the requested fee constitutes a reasonable award of EAJA fees. The Commissioner further submits, and the Court agrees, the \$400.00 award for costs should be paid from the Judgment Fund and the total EAJA award should be made payable to Plaintiff. Ultimately, the Court finds the requested fee award is reasonable; and no special circumstance would make the award unjust.

THEREFORE, IT IS ORDERED:

1. That Plaintiff's amended motion for EAJA fees [24] is GRANTED, and the Commissioner shall promptly pay to Plaintiff, for the benefit of his counsel, a total of

\$5,090.54 in attorney fees and expenses. Plaintiff shall also be promptly reimbursed \$400.00 in costs from the Judgment Fund.

2. That Plaintiff's original motion [21] for EAJA fees is deemed MOOT.

This 3rd day of March, 2021.

/s/ Jane M. Virden
U.S. MAGISTRATE JUDGE